

## **EXHIBIT A**



**Exhibit A-1** is a true and correct copy of the e-mails that I sent to Ms. Dolghih on April 4, 2019, and April 11, 2019.

4. ECI served Defendants with deposition notices for Messrs. Matatall and Baldrige on April 16, 2019. Those notices scheduled the depositions for May 13 and May 14, 2019, respectively.

5. After ECI served Defendants with the Notices of Deposition for Messrs. Matatall and Baldrige, Ms. Dolghih sent me an e-mail on April 16, 2019. She asked to reschedule Messrs. Matatall's and Baldrige's depositions until she had received and reviewed ECI's interrogatory answers. On April 17, 2019, I responded to Ms. Dolghih, explaining the importance of these depositions and noting that the Federal Rules do not require written discovery to be complete before depositions commence. **Exhibit A-2** is a true and correct copy of the e-mails that I exchanged with Ms. Dolghih on April 16 and 17, 2019.

6. On April 30, 2019, I e-mailed Ms. Dolghih and requested a three-week extension for ECI to answer Defendants' interrogatories. **Exhibit A-3** contains a true and correct copy of the e-mail that I sent to Ms. Dolghih on April 30, 2019.

7. Ms. Dolghih responded on May 1, 2019, that Defendants would agree to the requested extension if ECI would agree to a reciprocal extension of Prosperity's deadline to serve interrogatory answers and "agree to move Mr. Matatall and Mr. Baldrige's depositions until after ECI has provided the interrogatory responses." That day, ECI agreed to those extensions. I also requested dates in the first two weeks of June when Messrs. Matatall and Baldrige would be available for their depositions. **Exhibit A-3** contains a true and correct copy of the e-mails I exchanged with Ms. Dolghih on May 1, 2019.

8. On May 2, 2019, Ms. Dolghih responded to my request for her clients' deposition availability and stated that she was working on getting deposition dates. **Exhibit A-3** contains a true and correct copy of the e-mail that I received from Ms. Dolghih on May 2, 2019.

9. On May 8, 2019, having received no deposition dates from Defendants, I sent a follow-up e-mail to Ms. Dolghih asking again for her clients' deposition availability. Ms. Dolghih responded on May 13, 2019, saying she would not provide dates until Defendants had received ECI's answers to Prosperity's interrogatories. I responded that same day to Ms. Dolghih's email, explaining that her position violated the terms of the Parties' agreement. Ms. Dolghih then offered dates in late June when Messrs. Matatall and Baldrige would be available for their depositions and, in a subsequent email, stated, "to clarify – the scheduling of the defendants' depositions is contingent upon receiving substantive interrogatory answers from ECI." On May 20, 2019, I responded that rescheduling the depositions was not contingent upon anything and restated the relevant terms of the parties' agreement. **Exhibit A-3** contains a true and correct copy of the e-mails that I exchanged with Ms. Dolghih on May 8, May 13, and May 20, 2019.

10. On May 24, 2019, ECI served amended notices for the depositions of Messrs. Matatall and Baldrige to occur on June 18 and 19, 2019, respectively, dates that Defendants' counsel proposed.

11. ECI served its written answers to Prosperity's interrogatories on May 28, 2019.

12. On May 30, 2019, I received an email from Ms. Dolghih asking whether ECI would withdraw the deposition notices for Messrs. Matatall and Baldrige and setting a response deadline of 4 p.m. that day. I responded to Ms. Dolghih's e-mail, asking for clarity and an opportunity to meet and confer the next day. Ms. Dolghih responded, again requesting whether ECI would



withdraw the deposition notices. **Exhibit A-4** is a true and correct copy of e-mails that I exchanged with Ms. Dolghih on May 30, 2019.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on June 19, 2019 in Dallas, Texas.

  
\_\_\_\_\_  
P. William Stark

# **EXHIBIT A-1**

**Stark, Bill (Shld-Dal-LT)**

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**From:** Stark, Bill (Shld-Dal-LT)  
**Sent:** Thursday, April 11, 2019 11:30 AM  
**To:** Elisaveta Dolghih (Leiza.Dolghih@lewisbrisbois.com)  
**Cc:** 'Audra.Mayberry@clarkhillstrasburger.com'; 'Shadle, Todd'; lavignec@gtlaw.com; Kary Watson (johnsonkary@gtlaw.com); Sue Flanagan - Greenberg Traurig, LLP (flanagans@gtlaw.com)  
**Subject:** RE: Depositions

Leiza,

I do not believe we have received dates in late-April and early-May for the depositions of Messrs. Matatall and Baldrige at your office. Please provide dates today so we can get these depositions scheduled.

Thanks,  
Bill

**Bill Stark**  
Shareholder

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**From:** Stark, Bill (Shld-Dal-LT)  
**Sent:** Thursday, April 4, 2019 3:39 PM  
**To:** Elisaveta Dolghih (Leiza.Dolghih@lewisbrisbois.com) <Leiza.Dolghih@lewisbrisbois.com>  
**Cc:** Audra.Mayberry@clarkhillstrasburger.com; Shadle, Todd <TShadle@GodwinBowman.com>; lavignec@gtlaw.com; Kary Watson (johnsonkary@gtlaw.com) <johnsonkary@gtlaw.com>; Sue Flanagan - Greenberg Traurig, LLP (flanagans@gtlaw.com) <flanagans@gtlaw.com>  
**Subject:** Depositions

Leiza,

Please provide us with dates in late-April and early-May for the depositions of Messrs. Matatall and Baldrige at your office.

Thanks,  
Bill

**Bill Stark**  
Shareholder

Greenberg Traurig, LLP  
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## **EXHIBIT A-2**

**Stark, Bill (Shld-Dal-LT)**

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**From:** Stark, Bill (Shld-Dal-LT)  
**Sent:** Wednesday, April 17, 2019 3:55 PM  
**To:** 'Dolghih, Leiza'; LaVigne, Christopher M. (Shld-Dal-LT)  
**Cc:** Sedge, Brent; Flanagan, Sue (Secy-Dal-LT); audra.mayberry@clarkhillstrasburger.com; tshadle@godwinbowman.com; Kary Watson (johnsonkary@gtlaw.com)  
**Subject:** RE: ECI Software Solutions v. John Plyler Plumbing, et al.; Case No. 3:18-cv-02758-S

Leiza,

Thank you for your email. We learned at mediation that Mr. Matatall did not attend mediation due to his failing health. Although Mr. Baldrige also failed to attend mediation, we were not given a reason for his failure to attend and can only assume that his health is likewise failing. As such, it is critical that we preserve these witnesses' testimony in the unfortunate event that they are unavailable for trial. Also, given the rapidly approaching deadlines, it is imperative that the parties conduct discovery quickly. Neither Mr. Matatall nor Mr. Baldrige challenged the sufficiency of ECI's pleadings, and the rules do not require us to wait to take depositions until after we have responded to discovery.

If the particular dates noticed for Messrs. Matatall and Baldrige conflict with their medical treatment, we are, of course, happy to work around such care, but we cannot agree to push their depositions off until some undetermined future dates. I trust you understand.

**Bill Stark**  
Shareholder

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**From:** Dolghih, Leiza [mailto:Leiza.Dolghih@lewisbrisbois.com]  
**Sent:** Tuesday, April 16, 2019 4:16 PM  
**To:** Stark, Bill (Shld-Dal-LT) <starkb@gtlaw.com>; LaVigne, Christopher M. (Shld-Dal-LT) <LaVigneC@gtlaw.com>  
**Cc:** Sedge, Brent <Brent.Sedge@lewisbrisbois.com>; Flanagan, Sue (Secy-Dal-LT) <flanagans@gtlaw.com>; audra.mayberry@clarkhillstrasburger.com; tshadle@godwinbowman.com  
**Subject:** RE: ECI Software Solutions v. John Plyler Plumbing, et al.; Case No. 3:18-cv-02758-S

Counsel, I believe your deposition notices are premature since ECI has not yet identified the trade secrets that it alleges each defendant has misappropriated with sufficient specificity.

We have served ECI with interrogatories on April 10<sup>th</sup> asking it to identify with particularity which trade secrets it claims Mr. Matatall and Mr. Baldrige misappropriated.

I suggest that you withdraw your deposition notices for Mr. Matatall and Mr. Baldrige until after we have received ECI's answers to the interrogatories and have had time to review them, at which point, we will make Mr. Matatall and Mr. Baldrige available for depositions.

Please let me know if you are amenable to doing that.

Regards,

Leiza

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**From:** [flanagans@gtlaw.com](mailto:flanagans@gtlaw.com) [<mailto:flanagans@gtlaw.com>]  
**Sent:** Tuesday, April 16, 2019 11:07 AM  
**To:** Dolghih, Leiza; [audra.mayberry@clarkhillstrasburger.com](mailto:audra.mayberry@clarkhillstrasburger.com); [tshadle@godwinbowman.com](mailto:tshadle@godwinbowman.com)  
**Cc:** [starkb@gtlaw.com](mailto:starkb@gtlaw.com); [LaVigneC@gtlaw.com](mailto:LaVigneC@gtlaw.com)  
**Subject:** [EXT] ECI Software Solutions v. John Plyler Plumbing, et al.; Case No. 3:18-cv-02758-S

External Email

Counsel,

Attached are the Deposition Notices to Greg Matatall and Ed Baldridge. Please give Mr. Stark a call if you have any questions.

Sue Flanagan  
Secretary to Chris LaVigne and Bill Stark

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## **EXHIBIT A-3**

**Stark, Bill (Shld-Dal-LT)**

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**From:** Stark, Bill (Shld-Dal-LT)  
**Sent:** Monday, May 20, 2019 5:43 PM  
**To:** 'Dolghih, Leiza'  
**Cc:** LaVigne, Christopher M. (Shld-Dal-LT); Johnson, Kary (Para-Dal-LT); Flanagan, Sue (Secy-Dal-LT); Sedge, Brent; Stearns, Sarah-Michelle (Assoc-DAL-LT)  
**Subject:** RE: ECI Software Solutions v. John Plyler Plumbing, et al.; Case No. 3:18-cv-02758-S

Leiza,

Thank you for your emails. Rescheduling the depositions "contingent upon receiving substantive interrogatory answers from ECI" (or contingent upon anything else) was never part of the agreement. To the contrary, the agreement was "to move Messrs. Matatall's and Baldrige's depositions to shortly after ECI has answered Defendants' interrogatories."

I appreciate you offering Messrs. Matatall and Baldrige during June 24-28. Unfortunately, I cannot make those dates work. We could do June 3-7, 10, 12-14, 17-21, or July 5-7. Please let us know which of these dates work. We will be happy to accommodate Mr. Matatall in or around Gilmer (please let us whether you have already secured a location in Gilmer) and will take Mr. Baldrige's deposition in Dallas.

**Bill Stark**  
Shareholder

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**From:** Dolghih, Leiza [mailto:Leiza.Dolghih@lewisbrisbois.com]  
**Sent:** Monday, May 13, 2019 2:28 PM  
**To:** Stark, Bill (Shld-Dal-LT) <starkb@gtlaw.com>  
**Cc:** LaVigne, Christopher M. (Shld-Dal-LT) <LaVigneC@gtlaw.com>; Johnson, Kary (Para-Dal-LT) <johnsonkary@gtlaw.com>; Flanagan, Sue (Secy-Dal-LT) <flanagans@gtlaw.com>; Sedge, Brent <Brent.Sedge@lewisbrisbois.com>  
**Subject:** RE: ECI Software Solutions v. John Plyler Plumbing, et al.; Case No. 3:18-cv-02758-S

Bill, to clarify – the scheduling of the defendants' depositions is contingent upon receiving substantive interrogatory answers from ECI.

Leiza

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**From:** Dolghih, Leiza  
**Sent:** Monday, May 13, 2019 2:26 PM  
**To:** 'starkb@gtlaw.com'  
**Cc:** [LaVigneC@gtlaw.com](mailto:LaVigneC@gtlaw.com); [johnsonkary@gtlaw.com](mailto:johnsonkary@gtlaw.com); [flanagans@gtlaw.com](mailto:flanagans@gtlaw.com); Sedge, Brent  
**Subject:** RE: ECI Software Solutions v. John Plyler Plumbing, et al.; Case No. 3:18-cv-02758-S

Bill,

I'm not going back on the agreement, which is producing the defendants for depositions after ECI answers interrogatories. What you are pressing for is a firm date for depositions without us having seen ECI's interrogatory



answers that have a direct bearing on the scope of discovery in this case. I don't know what your answers will look like so I don't know if one or two weeks will be sufficient for me to "digest" the information as you put it. I really do not see a reason for pushing for depositions when none of the parties have exchanged written discovery responses.

That being said, I can make Mr. Matatall and Mr. Baldrige available any time between June 24<sup>th</sup> and June 28<sup>th</sup>, which are the dates on which both I and Prosperity's corporate representative are available as well.

Due to Mr. Matatall's medical condition and the medications that he is taking, he has severe motion sickness and it would be a great hardship for him to travel to Dallas for a deposition. For that reason, we need to take his deposition in Gilmer. If you prefer, we can also take Mr. Baldrige's deposition there as well. Let me know what you would prefer.

Regards,

Leiza

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**From:** starkb@gtlaw.com [mailto:starkb@gtlaw.com]

**Sent:** Monday, May 13, 2019 11:43 AM

**To:** Dolghih, Leiza

**Cc:** LaVigneC@gtlaw.com; johnsonkary@gtlaw.com; flanagans@gtlaw.com

**Subject:** [EXT] RE: ECI Software Solutions v. John Plyler Plumbing, et al.; Case No. 3:18-cv-02758-S

Leiza,

That was not the agreement. We agreed to move Messrs. Matatall's and Baldrige's depositions to shortly after ECI has answered Defendants' interrogatories. We requested dates in the first two weeks in June and you responded that you were "working on getting the deposition dates for you."

The interrogatory answers are now due May 28, so depositions in the first two weeks in June provides ample time for you to digest them and prepare for the depositions and, I believe, provides as much, if not more, time between the answers and the depositions than before. Neither Mr. Matatall nor Mr. Baldrige challenged ECI's complaints as insufficiently pleaded or otherwise defective and the rules do not require us to provide you with interrogatory answers and then wait until you have decided to offer your clients for their depositions.

Please provide us with depositions dates today. Otherwise, we will be forced to notice Messrs. Matatall's and Baldrige's depositions for dates selected unilaterally.

**Bill Stark**  
Shareholder

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**From:** Dolghih, Leiza [mailto:Leiza.Dolghih@lewisbrisbois.com]

**Sent:** Monday, May 13, 2019 11:31 AM

**To:** Stark, Bill (Shld-Dal-LT) <starkb@gtlaw.com>

**Cc:** LaVigne, Christopher M. (Shld-Dal-LT) <LaVigneC@gtlaw.com>; Johnson, Kary (Para-Dal-LT)

**Subject:** RE: ECI Software Solutions v. John Plyler Plumbing, et al.; Case No. 3:18-cv-02758-S

Bill, we need to wait on the deposition dates until ECI's discovery responses are in. I cannot effectively defend my clients in a deposition without knowing what ECI claims as its trade secrets in this lawsuit, which is something I've brought up since the beginning of the case. Your allegations that defendants misappropriated "Customer Files," for example, are not sufficient, as they do not identify the customers or what was in those customer files that was not public information. ECI's other allegations suffer from the similar defects.

Defendants currently have outstanding interrogatories to ECI that ask your client to describe the alleged trade secrets with particularity as to each individual defendant whom ECI has accused of misappropriation. We need to receive ECI's answers to those interrogatories before we can agree on deposition dates.

Leiza

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**From:** starkb@gtlaw.com [mailto:starkb@gtlaw.com]  
**Sent:** Wednesday, May 08, 2019 2:12 PM  
**To:** Dolghih, Leiza  
**Cc:** LaVigneC@gtlaw.com; johnsonkary@gtlaw.com; flanagans@gtlaw.com  
**Subject:** [EXT] RE: ECI Software Solutions v. John Plyler Plumbing, et al.; Case No. 3:18-cv-02758-S

Leiza,

Following up on deposition dates for Matatall and Baldrige. Please provide us with dates in first two weeks in June when they are available so that we can re-notice their depositions upon agreed dates rather than being forced to select dates unilaterally.

**Bill Stark**  
Shareholder

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**From:** Dolghih, Leiza [mailto:Leiza.Dolghih@lewisbrisbois.com]  
**Sent:** Thursday, May 2, 2019 9:52 AM  
**To:** Stark, Bill (Shld-Dal-LT) <starkb@gtlaw.com>  
**Cc:** LaVigne, Christopher M. (Shld-Dal-LT) <LaVigneC@gtlaw.com>; Johnson, Kary (Para-Dal-LT) <johnsonkary@gtlaw.com>; Flanagan, Sue (Secy-Dal-LT) <flanagans@gtlaw.com>  
**Subject:** RE: ECI Software Solutions v. John Plyler Plumbing, et al.; Case No. 3:18-cv-02758-S

Bill, I'm working on getting the deposition dates for you.

To confirm, the new interrogatory answer dates for Prosperity and ECI will be May 27<sup>th</sup>.

Regards,

Leiza

**From:** starkb@gtlaw.com [mailto:starkb@gtlaw.com]  
**Sent:** Wednesday, May 01, 2019 3:10 PM  
**To:** Dolghih, Leiza  
**Cc:** LaVigneC@gtlaw.com; johnsonkary@gtlaw.com; flanagans@gtlaw.com  
**Subject:** [EXT] RE: ECI Software Solutions v. John Plyler Plumbing, et al.; Case No. 3:18-cv-02758-S

Thanks, Leiza. We agree to a reciprocal extension of the deadline for Prosperity's interrogatory answers and agree to move Messrs. Matatall's and Baldrige's depositions to shortly after ECI has answered Defendants' interrogatories (to that end, please provide us with dates in the first two weeks in June when Messrs. Matatall and Baldrige are available so we can re-notice their depositions).

**Bill Stark**  
Shareholder

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**From:** Dolghih, Leiza [mailto:Leiza.Dolghih@lewisbrisbois.com]  
**Sent:** Wednesday, May 1, 2019 10:24 AM  
**To:** Stark, Bill (Shld-Dal-LT) <starkb@gtlaw.com>  
**Cc:** LaVigne, Christopher M. (Shld-Dal-LT) <LaVigneC@gtlaw.com>; Johnson, Kary (Para-Dal-LT) <johnsonkary@gtlaw.com>; Flanagan, Sue (Secy-Dal-LT) <flanagans@gtlaw.com>  
**Subject:** RE: ECI Software Solutions v. John Plyler Plumbing, et al.; Case No. 3:18-cv-02758-S

Hi Bill, we will agree to a 3-week extension, if you will agree to move Mr. Matatall and Mr. Baldrige's depositions until after ECI has provided the interrogatory responses and will agree to a reciprocal extension for Prosperity's interrogatory responses, which are currently due on the same date as ECI's.

As you know, the majority of Prosperity's interrogatories are aimed at clarifying what ECI claims as trade secrets in this lawsuit, which is something that we have been asking since the beginning of the case. Having those defined before all parties engage in discovery and before Mr. Matatall and Mr. Baldrige are deposed will provide Defendants with a fair notice of ECI's specific claims against each of them, will allow the parties to set an appropriate scope for discovery and will promote judicial efficiency.

Let me know how you would like to proceed.

Regards,

Leiza

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**From:** starkb@gtlaw.com [mailto:starkb@gtlaw.com]  
**Sent:** Tuesday, April 30, 2019 1:23 PM  
**To:** Dolghih, Leiza  
**Cc:** LaVigneC@gtlaw.com; johnsonkary@gtlaw.com; flanagans@gtlaw.com  
**Subject:** [EXT] ECI Software Solutions v. John Plyler Plumbing, et al.; Case No. 3:18-cv-02758-S

External Email

Leiza,

Given the expansive scope and depth of the interrogatories served by Prosperity, Matatall, Baldridge, and Frazier, compiling the answers is taking a great deal of time and cannot be completed by the due dates next week. As such, ECI requests 3 week extensions of the due dates to respond/answer/object to the interrogatories served by your clients. Please let us know if you agree to grant us the extensions.

Thanks,  
Bill

**Bill Stark**  
Shareholder

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## **EXHIBIT A-4**



**Stark, Bill (Shld-Dal-LT)**

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**From:** Dolghih, Leiza <Leiza.Dolghih@lewisbrisbois.com>  
**Sent:** Thursday, May 30, 2019 3:29 PM  
**To:** Stark, Bill (Shld-Dal-LT)  
**Cc:** LaVigne, Christopher M. (Shld-Dal-LT); Johnson, Kary (Para-Dal-LT); Flanagan, Sue (Secy-Dal-LT); Sedge, Brent  
**Subject:** RE: ECI Software Solutions v. John Plyler Plumbing, et al.; Case No. 3:18-cv-02758-S

Bill, many of the interrogatory descriptions simply state "proprietary information related to [insert subject matter]." ECI also appears to claim 47 versions of the entire software program as a trade secret. These are a just a couple of examples. If you wish to discuss this further, I will be happy to do so and see if we can resolve this issue. Right now, however, you have noticed my clients' depositions for June 18<sup>th</sup> and 19<sup>th</sup>. Will you withdrawing their deposition notices until we have worked out issues related to ECI's identification of trade secrets?

Leiza



**Elisaveta (Leiza) Dolghih**

Partner | Co-Chair, Trade Secrets and Non-Compete Disputes Practice

[Leiza.Dolghih@LewisBrisbois.com](mailto:Leiza.Dolghih@LewisBrisbois.com)

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**From:** starkb@gtlaw.com [mailto:starkb@gtlaw.com]  
**Sent:** Thursday, May 30, 2019 3:23 PM  
**To:** Dolghih, Leiza  
**Cc:** LaVigneC@gtlaw.com; johnsonkary@gtlaw.com; flanagan@gtlaw.com; Sedge, Brent  
**Subject:** [EXT] RE: ECI Software Solutions v. John Plyler Plumbing, et al.; Case No. 3:18-cv-02758-S

External Email

Leiza,

Thank you for your email. I do not understand your concerns, particularly since ECI worked diligently to provide fairly lengthy and detailed answers. To that end, it would be helpful if you could explain the alleged defects that you believe exist in ECI's interrogatory answers in a meaningful way so that we can properly respond and confer in advance of your threatened motion. I am out of the office—are you available to talk tomorrow? I am generally available for a call any time before 4pm tomorrow.

**Bill Stark**  
Shareholder

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**From:** Dolghih, Leiza [mailto:Leiza.Dolghih@lewisbrisbois.com]  
**Sent:** Thursday, May 30, 2019 9:18 AM  
**To:** Stark, Bill (Shld-Dal-LT) <starkb@gtlaw.com>  
**Cc:** LaVigne, Christopher M. (Shld-Dal-LT) <LaVigneC@gtlaw.com>; Johnson, Kary (Para-Dal-LT) <johnsonkary@gtlaw.com>; Flanagan, Sue (Secy-Dal-LT) <flanagans@gtlaw.com>; Sedge, Brent <Brent.Sedge@lewisbrisbois.com>  
**Subject:** ECI Software Solutions v. John Plyler Plumbing, et al.; Case No. 3:18-cv-02758-S

**\*EXTERNAL OF GT\***

Good morning Bill,

We have reviewed ECI's interrogatory answers and they fail to identify the trade secrets at issue in this lawsuit with particularity as we have requested. For example, ECI fails to identify all the trade secrets or even categories of the trade secrets that ECI claims were contained on the Stolen Drive or in the emails that ECI alleges Wade Ellison sent to himself. As I've previously indicated to you on several occasions, it's a waste of the parties' and the court's time and resources to proceed with discovery and depositions until ECI identifies the trade secrets in question in this lawsuit.

Please let me know if you will withdraw the deposition notices for Mr. Matatall and Mr. Baldridge currently set for June 18 and 19 by 4 pm today.

Additionally, we intend to file a motion to require ECI to identify trade secrets. Please let me know if you oppose by 4 pm today.

Please call me before 4 pm if you would like to discuss these issues.

Regards,

Leiza

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